

Exhibit B

1
2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

7 **MASTER SHORT FORM COMPLAINT**
FOR DAMAGES FOR INDIVIDUAL
CLAIMS

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 _____

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 _____

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 _____

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant:

21 _____
22

1 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
2 the time of injury:

3 _____

4 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

5 _____

6 7. District Court and Division in which venue would be proper absent direct filing:

7 _____

8 8. Defendants (check Defendants against whom Complaint is made):

9 ☐ C.R. Bard Inc.

10 ☐ Bard Peripheral Vascular, Inc.

11 9. Basis of Jurisdiction:

12 ☐ Diversity of Citizenship

13 ☐ Other: _____

14 a. Other allegations of jurisdiction and venue not expressed in Master
15 Complaint:

16 _____

17 _____

18 _____

19 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a
20 claim (Check applicable Inferior Vena Cava Filter(s)):

21 ☐ Recovery[®] Vena Cava Filter

22 ☐ G2[®] Vena Cava Filter

€ G2[®] Express (G2[®]X) Vena Cava Filter

€ Eclipse[®] Vena Cava Filter

€ Meridian[®] Vena Cava Filter

€ Denali[®] Vena Cava Filter

€ Other: _____

11. Date of Implantation as to each product:

12. Counts in the Master Complaint brought by Plaintiff(s):

☐ Count I: Strict Products Liability – Manufacturing Defect

☐ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☐ Count III: Strict Products Liability – Design Defect

☐ Count IV: Negligence - Design

☐ Count V: Negligence - Manufacture

☐ Count VI: Negligence – Failure to Recall/Retrofit

☐ Count VII: Negligence – Failure to Warn

☐ Count VIII: Negligent Misrepresentation

☐ Count IX: Negligence *Per Se*

☐ Count X: Breach of Express Warranty

☐ Count XI: Breach of Implied Warranty

☐ Count XII: Fraudulent Misrepresentation

- ☐ Count XIII: Fraudulent Concealment
- ☐ Count XIV: Violations of Applicable _____ (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☐ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

1 RESPECTFULLY SUBMITTED this ____ day of November, 2015.

2 **GALLAGHER & KENNEDY, P.A.**

3 By: /s/

4 Robert W. Boatman

5 Mark S. O'Connor

6 Paul L. Stoller

7 Shannon L. Clark

8 C. Lincoln Combs

9 2575 East Camelback Road

10 Phoenix, Arizona 85016-9225

11 **LOPEZ McHUGH LLP**

12 Ramon Rossi Lopez (CA Bar No. 86361)

13 (admitted *pro hac vice*)

14 100 Bayview Circle, Suite 5600

15 Newport Beach, California 92660

16 *Attorneys for Plaintiffs*

17 I hereby certify that on this ____ day of November, 2015, I electronically transmitted
18 the attached document to the Clerk's Office using the CM/ECF System for filing and
19 transmittal of a Notice of Electronic Filing.
20

21 /s/

22 5131774